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11/11

| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.        | CONFIRMATION NO.       |
|---|-------------|----------------------|----------------------------|------------------------|
| 09/665,667  | 09/20/2000  | Takaharu Kitada      | SON-1905                   | 5559                   |
| 23353 7590 10/15/2007<br>RADER FISHMAN & GRAUER PLLC<br>LION BUILDING<br>1233 20TH STREET N.W., SUITE 501<br>WASHINGTON, DC 20036 |             |                      | EXAMINER<br>ST CYR, DANIEL |                        |
|   |             |                      | ART UNIT<br>2876           | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>10/15/2007    | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/665,667

**Applicant(s)**

KITADA, TAKAHARU

**Examiner**

Daniel St.Cyr

**Art Unit**

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 4/16/07 has been entered.

### *Claim Objections*

2. Claim 37 is objected to because of the following informalities: it appears that the claim is being presented as an independent claim, but it refers to the device of claim 21. The applicant should recite all the limitation pertaining to the claim. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 21-23, 25, 26, and 32-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Mcallister, US patent No. 6,415,978.

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Mcallister discloses a data reader for bar code labels and RFID tags comprising: a hand held terminal device having a modulation/demodulation circuit 54 adapted to demodulate entity information from a signal, said signal being receivable from an information providing medium 74; a data port 20 adapted to interface with an external device 30, said entity information being transferable over said data port to said external device; and an RF processing section 200 (fig. 2) adapted to radiate a radio frequency transmission signal and adapted to receive a radio frequency reception signal (see fig. 2; col. 3, line 59 to col. 4, line 9).

Re claim 22, wherein data from said external device is transferable over said data port to the hand held terminal device. ( see fig. 3, two-way communication).

Re claim 23, wherein said data port is a universal serial bus (USB) terminal (see fig. 2, element 20).

Re claim 25, wherein a storage (inherently included in the CPU 125); medium 74 adapted to store said entity information.

Re claim 26, further comprising: an information processing unit 324 adapted to process said entity information.

Re claim 32, wherein said external device is located remotely from said information providing medium (RF communication).

Re claim 33, wherein said information providing medium is located remotely from the hand held terminal device (RF communication).

Re claim 34, wherein said external device is located remotely from the hand held terminal device. (remotely attached to the reader through the USB connector).

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Re claim 35, wherein said modulation/demodulation circuit is adapted to generate electromagnetic field energy, an antenna body connected to said modulation/demodulation circuit being adapted to radiate said electromagnetic field energy and to receive said signal. ( see fig. 2, antenna 44, matching network 54).

Re claim 36, wherein said RF processing section is connected to an antenna, said antenna being adapted to radiate and receive said radio frequency signals (see fig. 2).

Re claims 37-52, the limitations have been met above.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 24, 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mcallister in view of Walsh et al, US Patent No. 6,089,456.

Mcallister does not disclose that the hand-held device is a cellular phone.

Walsh teaches a hand held cellular phone, which comprises an information read function (fig. 8: see col. 1. line 65 through col. 2. line 25: col. 3. lines ~7-55: and col. 2c). lines 6-26).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to design the device of Mcallister into the notoriously old and well known hand held cellular phone device as taught by Walsh in order to provide a versatile and compact label-reader and RFID reader system. Such modification would provide greater convenience to

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the users, wherein a single device would perform a plurality of tasks. With respect to having all the cellular phone components, such as speaker, display, microphone, etc., these components are commonly associated with cellular phone for inputting and outputting information. Therefore, it would have been an obvious extension as taught by Mcallister.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 571-272-2407. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel St.Cyr  
Primary Examiner  
Art Unit 2876

A handwritten signature in black ink, appearing to read 'Daniel St.Cyr', with a long horizontal line extending to the right.

DS